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CENTRAL FAX CENTER****FEB 17 2005****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Applicant: Lotspiech	)	Art Unit: 2137
	)	
Serial No.: 09/771,239	)	Examiner: Davis
	)	
Filed: January 26, 2001	)	ARC920010006US1
	)	
For: <b>METHOD FOR TRACING TRAITOR RECEIVERS</b>	)	February 10, 2005
<b>IN A BROADCAST ENCRYPTION SYSTEM</b>	)	750 B STREET, Suite 3120
	)	San Diego, CA 92101
	)	

**RESPONSE TO OFFICE ACTION**

Commissioner of Patents and Trademarks  
Washington, DC 20231

Dear Sir:

The telephonic interview with the SPE is gratefully acknowledged. The SPE agreed that this RCE would be sufficient to enter the prior declaration and that the declaration is sufficient to swear behind Schwenk as to all claims except for Claims 8-11, 18, 19, and 28, leaving these claims the sole remaining issue.

Applicant believes that not only are the above dependent claims not suggested by Schwenk, Claim 1 (which is the base claim for 8-11) is not taught by Schwenk. First consider that Claim 1 requires "determining whether the traitor subset represents at least two traitor receivers, and if so, dividing the traitor subset into two child sets", with Schwenk, col. 4, lines 8-33 being relied on as teaching this. In fact, in the only part of the relied-upon portion that mentions forming new subsets, the relied-upon portion teaches away

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